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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CARLOS OCTAVIO VLADIMIR SIMO-THEN
INS FILE No. A41-421-023

Petitioner,

1: CV 00-180

v.

CIVIL ACTION NO. _____

CHARLES ZEMSKI
ACTING DISTRICT DIRECTOR
INS PHILADELPHIA,

IMMIGRATION & NATURALIZATION
SERVICE,

WARDEN, SYNDER COUNTY PRISON,

JANET RENO, ATTORNEY GENERAL

Respondents.

FILED
SCRANTON

OCT 12 2000

PER 34
DEPUTY CLERK

COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND PETITION FOR WRIT OF HABEAS
CORPUS

The complaint for declaratory and injunctive relief and petition for writ of habeas corpus of Carlos Octavio Vladimir SIMO-THEN, petitioner in the above styled action, respectfully allege as follows, to wit:

- (1) That Petitioner Carlos Octavio Vladimir SIMO-THEN is a derivative citizen of the United States, acquired through his father who is a United States citizen.
- (2) That Petitioner is being detained at the Synder County Prison, Selinsgrove, Pennsylvania, pursuant to a removal

Order issued by the Immigration Court.

- (3) That Petitioner appealed the aforesaid removal order to the Board of Immigration Appeals, averring that the Immigration Court lack jurisdiction over him.
- (4) That on August 15, 2000, the Board of Immigration Appeals remanded the case to the Immigration Judge for further proceedings. See copy of attached opinion.
- (5) That Petitioner has been detained at the Synder County Prison, Selinsgrove since April 2000, without just cause.
- (6) That petitioner is being detained in violation of law, and the rights guaranteed Petitioner by the First Ten Amendments to the United States Constitution, and all other rights not hereinbefore enumerated, and his detention manifested a failure of justice.
- (7) That Petitioner has no other adequate legal remedy available to contest his further detention by the Immigration and Naturalization Service, unless a declaratory and injunctive relief and said writ of habeas corpus shall issue an injustice and cause of prejudice would be inherent to petitioner.
- (8) In support of this complaint and petition, your petitioner attaches the annexed memorandum of law in support.
- (9) WHEREFORE, your petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

(10) I declare under penalty of perjury that the foregoing
is true and correct as set forth in this complaint and
petition.

Dated September 28, 2000

Respectfully submitted,

CARLOS O. VLADIMIR SIMO-THEN
CARLOS O.V. SIMO-THEN
00-00236
Synder County Prison
600 Old Colony Road
Selinsgrove, PA 17870

MEMORANDUM OF LAW

This action is brought pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, 5 U.S.C. § 551 et seq., 28 U.S.C. § 2201 et seq., and All Writs Act, 28 U.S.C. § 1651 for declaratory and injunctive relief to protect petitioner's rights guaranteed under the due process clause of the Fifth Amendment to the Constitution and applicable federal law, and to issue a writ of habeas corpus, and enjoin the Immigration and Naturalization Service from further detaining petitioner.

JURISDICTION AND VENUE

In a habeas proceeding, the court has personal jurisdiction "so long as the custodian can be reached by service of process". Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 495 (1973); United States Ex Rel Sero v. Preiser, 506 F.2d 1115, 1128 (2d. Cir. 1974), cert. denied, 421 U.S. 921 (1975)(jurisdictional grant in section 2241(a) co-extensive with scope of service of process).

Personal jurisdiction is fixed at the time the habeas petition is filed. See e.g., Ledesma-Valdes v. Sava, 604 F.Supp 675, 679 (S.D.N.Y. 1985). Respondents Charles Zemski, acting district director, et al., can be reached by service of process of this court. See Rule 4(e)(1) of the Fed.R.Civ.P., which allows service of process under the rules of the state in which the district court sits. This court has personal jurisdiction over respondents for the purposes of writ of habeas corpus, respondents can be reached by service of process of the court.

ARGUMENT

Petitioner assert that he is being detained unlawfully because he is a derivative citizen of the United States, acquired through his father who is a United States citizen. Therefore, the Immigration Service lack jurisdiction over him, and a detention incident to a conclusion that he is an alien is violative of his due process right.

The Due Process Clause of the Fifth Amendment states that "[n]o person . . . shall be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. This protection extends to all "persons" within the borders of the United States. See Landon v. Plasencia, 459 U.S. 21, 32-33, (1982); see also United States v. Balsys, 524 U.S. 666, 671 (1988); Wong Wing v. United States, 163 U.S. 228, 238 (1896) (holding that "persons within the territory of the United States . . . [and] even aliens . . . [may not] be deprived of life, liberty or property without due process of law").

Petitioner assert that his detention violates his right to liberty under substantive due process ground. The substantive component of due process protects against governmental interference with those rights "implicit in the concept of ordered liberty." Palko v. Connecticut, 302 U.S. 319, 325-35 (1937). This component "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest." Reno v. Flores, 507 U.S. 292, 301-02 (1993).

An alien is defined as "any person not a citizen or national of the United States." 8 U.S.C. § 1101(a)(3), § 1101(a)(22) (a national of the United States is a citizen of the United States, or a person who owes permanent allegiance to the United States); Manlangit v. INS, 488 F.2d 1073 (4th Cir. 1973).

Alienage is thus a jurisdictional fact which must be established before the INS can move forward to the issue of deportability. Goncalves-Rosa v. Shaughnessy, 151 F.Supp 906 (S.D.N.Y. 1957); Pang v. INS, 368 F.2d 637 (3rd Cir. 1966); United States Ex Rel Tomasso v. Flynn, 22 F.2d 174 (W.D.N.Y. 1927); Hoonsilapa v. INS, 575 F.2d 735 (9th Cir. 1978) (mere stipulation that the order to show cause relates to the respondent is not enough to sustain the INS burden of proving alienage and deportability).

The Immigration & Naturalization Service has the burden of proving alienage and must meet its burden with clear, convincing, and unequivocal evidence. Woodby v. INS, 385 U.S. 276 (1966). "Alienage cannot be proved by implications drawn from ambiguous statements made by respondent." Pointhara v. INS, 708 F.2d 472, modified, 721 F.2d 651 (9th Cir. 1983).

Citizenship of course is a precious right and not to be denied lightly. United States Ex Rel Wong Kwok Sui v. Boyd, 285 F.2d 572, 575 (9th Cir. 1960). The burden cast upon INS cannot be met by saying Petitioner cannot prove he is a citizen, therefore, he must be an alien. United States Ex Rel Leong v. O'Rourke, 125 F. Supp 769, 775 (W.D.Mo. 1954).

derived citizenship from his father. Petitioner's father divorced his mother in 1985 and took custody of petitioner at age 10, thus, the requirement of the naturalization of both parents pursuant to 8 U.S.C § 1432 (a) (1) does not apply to petitioner.

To the extent that the INS is detaining petitioner and denying his derivative citizenship is a violation of law. Statutory and case law support that petitioner is a derivative citizen of the United States acquired from his father. See e.g., Rios v. Civiletti, 571 F.Supp 218 (D.C. Puerto Rico 1983) (holding that the existence of a legal paternofilial relationship, i.e., custody, duty to support, right to use family name, etc, in the absence of fraud in claiming citizenship qualifies an applicant for derivative citizenship); Compagnie General Trans-Atlantique v. United States, 78 F.Supp at 799; Matter of Bautista, I & N Interim Decision 2731; Matter of Buenaventure, I & N Interim Decision 2363; Delgado v. INS, 473 F.Supp 1343 (1979).

"In some instances the criteria which separates legitimates from illegitimates have been found to be irrelevant to the purposes of the Statute". Matter of Lee, I & N Interim Decision 2606; Reyes v. INS, 478 F. Supp 63. The test to determine if a child has been "legitimated" within the meaning and scope of the statute is not whether he is actually identified as legitimate but whether he enjoys for all relevant purposes the same conditions of so called legitimate children and that his direct descent from a citizen is sufficiently established. Civiletti, 571 F. Supp 218, 221 (1983).

RELIEF SOUGHT

WHEREFORE, your petitioner pray that this honorable court sustain this complaint for declaratory and injunctive relief and petition for a writ of habeas corpus, requiring and commanding the Immigration and Naturalization Service, the Attorney General, her agents, from further detaining petitioner for he is a derivative citizen of the United States pursuant to Title 8, U.S.C. § 1432, and for such other judgment or order in the premise as may be proper. And as in duty bound your petitioner will ever pray.

Dated September 28, 2000

Respectfully submitted,

Carlos O. V. Simo-Then
CARLOS O. V. SIMO-THEN
00-00236
Synder County Prison
600 Old Colony Road
Selinsgrove, PA 17870

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A41 421 023 - Whitdeer

Date:

AUG 15 2000

In re: CARLOS OCTAVIO VLADIMIR SIMO-THEN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF SERVICE: Bruce B. Dizengott
Assistant District Counsel

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

Sec. 237(a)(2)(B)(i), I&N Act [8 U.S.C. § 1227(a)(2)(B)(i)] -
Convicted of controlled substance violation

APPLICATION: Termination of proceedings

In a decision dated March 7, 2000, an Immigration Judge found the respondent removable as charged as an alien convicted of an aggravated felony, determined he was ineligible for any form of relief from removal, and ordered his removal to the Dominican Republic. The respondent contended in the proceedings before the Immigration Judge and continues to maintain on appeal that the Immigration Judge and this Board lack jurisdiction over his case because he acquired derivative United States citizenship through the naturalization of his father.

Noting that the Immigration and Naturalization Service had denied the respondent's Application for Certificate of Citizenship (Form N-600), which was filed by the respondent and adjudicated by the Service during the pendency of the removal proceedings, the Immigration Judge proceeded to enter his removal order. The Immigration Judge observed at the hearing that the removal proceedings could be reopened should the respondent prevail on his appeal from the Service's denial of his Certificate of Citizenship application (Tr. at 6). The record will be remanded for further proceedings before the Immigration Judge.

While the respondent's Application for Certificate of Citizenship may have been properly adjudicated in administrative proceedings before the Service pursuant to the governing regulations, 8 C.F.R. § 341, the Immigration Judge likewise has jurisdiction to consider the respondent's claim

A:1 421 023

to United States citizenship in these removal proceedings. A determination with respect to the respondent's citizenship is clearly relevant to these proceedings, in fact, potentially dispositive of the case, since a decision favorable to the respondent would divest the Immigration Judge and the Board of jurisdiction over the respondent and require termination of the proceedings. We believe the respondent is entitled to present his evidence on the citizenship issue in the proceedings before the Immigration Judge and to an independent ruling on that evidence by the Immigration Judge. The record will accordingly be remanded.

ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with the foregoing opinion and for the entry of a new decision.


FOR THE BOARD

((EXHIBIT))

AFFIDAVIT OF
RESPONDENT'S
FATHER

Affidavit.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION & NATURALIZATION SERVICE
ADMINISTRATIVE APPEALS UNIT
WASHINGTON, D.C. 20536

-----)
In the Matter of)
)
Carlos Octavio Vladimir Simo Then) APPEAL OF CITIZENSHIP DECISION
)
Respondent) FILE # A-41-421-023
-----)

AFFIDAVIT OF
EDMUNDO EMMANUEL SIMO BUENO

Comes now Edmundo Emmanuel Simo Bueno, being duly sworn and depose
as follows :

- 1-My name is Edmundo Emmanuel Simo Bueno, a citizen of the United States.
- 2-That I am the blood and biological father of Carlos Octavio Vladimir Simo Then.
- 3-That Carlos Octavio Vladimir Simo Then was born on June 02, 1975 in Dominican Republic between myself (his father) and Iris Altagracia Then (his mother).
- 4-That at the time Carlos Octavio Vladimir Simo Then was born I was not married to his mother.
- 5-Then on March 19, 1979 we remarried again and Carlos Octavio Vladimir Simo Then was legitimated (copy add), and such marriage ended on November 07, 1985 based on official pronouncement by the Civil Court, (copy add). Prior to the end of my marriage to Carlos Octavio Vladimir Simo Then's mother Iris Altagracia Simo Then, I was separated from her and had custody of Carlos Octavio Vladimir Simo Then through official Civil Court decree.
- 6-And that the official custody as decreed by the Court took effect on March 19, 1979.
- 7-That I became a Naturalized citizen of the United States of America on March 02, 1992.

Affidavit.

- 8-That during the time of my Naturalization Carlos Octavio Vladimir Simo Then was 16 years old and was under my custody.
- 9-That Carlos Octavio Vladimir Simo Then has been in my custody since age four and while in my custody I was responsible for all his financial well being.
- 10-That affidavit is true, correct to the best of my knowledge.

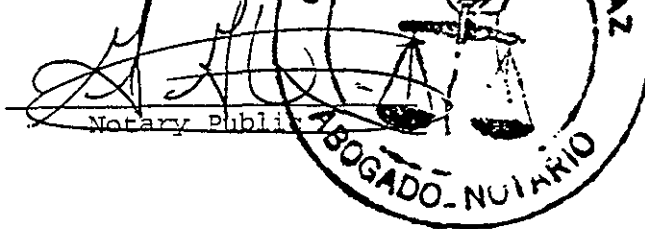
FURTHER AFFIANT SAYETH NAUGHT.

Dated February 8, 2000.


Edmundo E. Simo Bueno

AFFIDAVIT NUM. 113

Sworn and subscribed to before me this 8 day of February 2000.



No. 20219673



DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

Personal description of holder
as of date of naturalization:

INS Registration No. A23 464 064

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Date of birth: August 24, 1947

Sex: Male

Height: 5 feet 6 inches

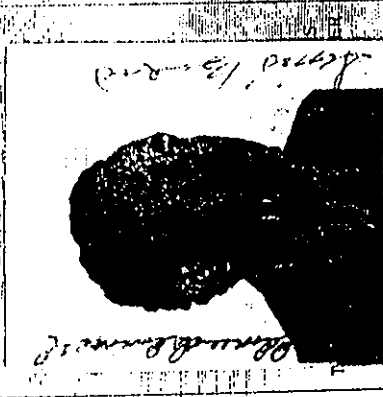
Marital status: Widowed

Country of former nationality:
Dominican Republic

Eduardo Emanuel Semo Bueno
Complete and true signature of holder

Be it known that, pursuant to an application filed with the Attorney General
at San Juan, Puerto Rico

The Attorney General having found that



EDMUNDO EMMANUEL SEMO BUENO

then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the Immigration & Naturalization Service

at San Juan, Puerto Rico

on March 2, 1992

that such person is admitted as a citizen of the United States of America.

Eduardo Emanuel Semo Bueno
Commissioner of Immigration and Naturalization

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

EXHIBIT 2

EXTRACT OF
MARRIAGE
AND
DIVORCE

1971 through 1973
PRIOR TO RESPONDENT'S
BIRTH BETWEEN HIS
PARENTS



EXTRACTO DE ACTA

(Art. 99 Ley No. 659, del 17-7-1944)

Yo LIC. ROSA FERNANDEZ DE GONZALEZ Oficial del Estado Civil de
LA CUARTA CIRC.D.N República Dominicana, CERTIFICO: Que en los
archivos a mi cargo, existe un acta de MATRIMONIO registrada con el No. 53
Libro 122, Folio 53 del año 1951 del cual se extraen los datos siguientes:

QUE EL DIA, (23) DEL MES DE ENERO DEL
AÑO (1971) CONTRAJERON MATRIMONIO CIVIL LOS SRES: EDMUNDO EMMA-
NUEL SIMO BUENO, DOMINICANO, SOLTERO, EMP.PRIV. CED#41286-47.

HIJO DE LOS SRES: CARLOS MANUEL SIMO CLARK Y AURA ANTONIA BUENO.

~~Y DE LA OTRA PARTE:~~ YRIS ALTAGRACIA ALVARADO, DOMINICANA, SOL-
TERA, DOMESTICA; CED#25605-56. HIJA DE LA SRA. BAUDILIA ALVARADO.

FIRMARON LOS TESTIGOS: JOSE RAMON MARRERO ARREDONDO Y MILAGROS ENI-
DA MARTINEZ DE MARRERO. / . DISUELTO POR SENTENCIA DE FECHA 14-12-73.

DE LA 3era. CAMARA CIVIL POR MUTUO CONSENT. PRONUNCIADO EN LA 6ta. CIRC.

INSCRITO EN EL L.51. A.472.F.14 EN FECHA 26-12-73.// // // // // // //

El presente extracto se expide a petición de la parte interesada en SANTO DOMINGO.D.N

República Dominicana, hoy día 27 del mes de ENERO

del año 2000



OFICIAL DEL ESTADO CIVIL

Lic. Rosa Fernández de González

TRANSLATED

SEAL

DOMINICAN REPUBLIC
CENTRAL ELECTORAL BOARD
CIVIL REGISTRY

EXTRACT OF CERTIFICATE

(Article 99 Public Law 659 of July 17, 1944)

I. LIC ROSA FERNANDEZ DE GONZALES, Officer of the Civil Registry of the Fourth District, D.N., Dominican Republic, certify:
THAT IN THE ARCHIVES UNDER MY CARE, EXISTS A CERTIFICATE OF MARRIAGE REGISTERED UNDER NUMBER 53, TOME 122, PAGE 53 OF THE YEAR 1971.
FROM WHICH THE FOLLOWING DATA ARE EXTRACTED:

THAT ON THE 23rd DAY OF THE MONTH OF JANUARY OF THE YEAR 1971, WERE UNITED IN CIVIL MATRIMONY: MR EDMUNDO EMMANUEL SIMO BUENO, DOMINICAN, SINGLE, PRIVATE ENT. IDENTIFICATION NUMBER 41286-47, SON OF MR CARLOS MANUEL SIMO CLARK AND MRS AURA ANTONIA BUENO. AND ON THE OTHER SIDE YRIS ALTAGRACIA ALVARADO, DOMINICAN, SINGLE, HOUSE MAID; IDENTIFICATION NUMBER 25605-56, DAUGHTER OF MRS BAUDILIA ALVARADO, WITNESSED: JOSE RAMON MARRERO ARREDONDO AND MILAGROS ENEIDA MARTINEZ DE MARRERO./ DISSOLVED BY DECREE, ON DECEMBER 14, 1973, OF THE 3rd CIVIL COURT, BY MUTUAL CONSENT, PRONOUNCED IN THE 6th DISTRICT, REGISTERED UNDER NUMBER 51 TOME 472 PAGE 14 ON THE DATE 26 DECEMBER, 1973.

NOTATIONS:

THE PRESENT EXTRACT IS ISSUED ON REQUEST BY THE INTERESTED PARTY IN SANTO DOMINGO, DOMINICAN REPUBLIC TODAY THE 27th OF THE MONTH OF JANUARY OF THE YEAR 2000

CIVIL REGISTRY OFFICER
LIC. ROSA FERNANDEZ DE GONZAL

EXHIBIT 3

EXTRACT OF
RE-MARRIAGE IN
1979

BETWEEN RESPONDENT
PARENTS LEGITIMATING
HIS BIRTH

Form. OC-No. 11



REPUBLICA DOMINICANA

el deseo de Legitimar a sus hijos
Carlos Octavio Vladimir, y Jóvan Ay
mair.

Dra. Ana Milady Hernandez
DRA. ANA MILADY HERNANDEZ,
Oficial Civil.-

OFICIALIA DEL ESTADO CIVIL

EXTRACTO DE ACTA

(Art. 99 Ley No. 659, del 17-7-44)

YO: DRA. ANA MILADY HERNANDEZ,

Oficial del Estado Civil de

NAGUA, R.D.

República Dominicana, CERTIFICA: Que en los archivos a su cargo, existe una acta de MATRIMONIOregistrada con el No. 19 Libro 125, Folio 19 del año 1979

de la cual se extraen los datos siguientes:

Que en fecha 19 del mes de Marzo del año -
mil novecientos setenta y nueve (1979) Por ante mí GLADYS ALT. AMADIS
Oficial del Estado Civil de Nagua, comparecieron, de una parte, el Señor
EDMUNDO EMMANUEL SIMO Y BUENO, de 32 años de edad, Emp. Privado, Dominica-
no, Domiciliado en Santiago, Portador de la Cédula No. 41286 Serie 47, hi-
jo de Carlos Manuel Simó Clack y de Aura Antonia Bueno, y de la otra -
parte, la Señora IRIS ALTAGRACIA THEN ALVARADO, de 27 años de edad, Emp.-
Privada, Dominicana, Domiciliada en Santiago, Portadora de la Cédula No.-
25605 Serie 56, hija de Octaviano Then y de Baudilia Alvarado de Duarte
y en presencia de los testigos señores: Confesor Duarte, Baudilia Alvara-
de Duarte, Bautista Camilo y Francisco Confesor Abreu, los he declarado
unidos en legitimo matrimonio.-

ANOTACIONES: FIRMADO: GLADYS ALT. AMADIS, Oficial Civil.-



El presente extracto, se expide a petición de parte interesada, en _____, R.D.

República Dominicana, hoy día 19 del mes de MARZOdel año mil novecientos 1992.-

Dra. Ana Milady Hernandez
DRA. ANA MILADY HERNANDEZ,
Oficial del Estado Civil

Form OC-No. 11

SEAL

DOMINICAN REPUBLIC

THE WISH TO LEGITIMATE
THEIR CHILDREN CARLOS
OCTAVIO VLADIMIR, AND
JOVAN AYAMAIR.

Dr. ANA MILADY HERNANDEZ
Civil Official.-

CIVIL REGISTRY
EXTRACT OF CERTIFICATE
(Article 99 Public Law No. 659 of July 17, 1944)

I, Doctor ANA MILADY HERNANDEZ, Officer of the Civil Registry of NAGUA, Dominican Republic, CERTIFY: That in the Archives under my care exist CERTIFICATE OF MARRIAGE registered under number 19 Tome 125 Page 19 of the year 1979 from which the following data are extracted:

THAT ON THE DATE OF 19 OF MARCH OF THE YEAR 1979, BEFORE ME, GLADYS ATL. (ATLAGRACIA) AMADIS, OFFICER OF THE CIVIL REGISTRY OF NAGUA, APPEARED, ON ONE SIDE MR. EDMONDO EMMANUEL SIMO AND BUENO, AGE 32, SELF EMPLOYED, DOMINICAN, RESIDENT OF SANTIAGO, BEARER OF IDENTIFICATION NUMBER 41286 SERIES 47, SON OF CARLOS MANUEL SIMO CLARK AND AURA ANTONIA BUENO, AND ON THE OTHER SIDE MS. IRIS ATLAGRACIA THEN ALVARADO AGE 27, SELF EMPLOYED, DOMINICAN, RESIDENT OF SANTIAGO, DOMINICAN REPUBLIC, BEARER OF THE IDENTIFICATION DOCUMENT NUMBER 25605 SERIES 56, DAUGHTER OF OCTAVIANO THEN AND OF BUATISTA CAMILO-DUARTE, AND WITNESSED BY CONFESOR DUARTE, BAUDILIA ALVARADO-DUARTE, BAUTISTA CAMILO, AND FRANCISCO CONFESOR ABREU, I HAVE DECLARED THEM UNITED IN LEGAL MARRIAGE.

NOTATION: SIGNED: GLADYS ALT. AMADIS, CIVIL REGISTRY OFFICER

THE PRESENT CERTIFICATE IS ISSUED BY REQUEST OF THE INTERESTED PARTY IN NAGUA, DOMINICAN REPUBLIC THIS 19th of MARCH of the YEAR 1992

DR. ANA MILADY HERNANDEZ
CIVIL REGISTRY OFFICER

EXHIBIT 44

DIVORCE DECREE
OF
RESPONDENT
PARENTS IN
1985

Form. OC-No. 18



REPUBLICA DOMINICANA

OFICIALIA DEL ESTADO CIVIL

No. 10420

EXTRACTO DE ACTA

(Art. 99 Ley No. 659, del 17-7-44)

Rafael Antonio Checo

Oficial del Estado Civil de

la Ira. Circ. de Santiago

República Dominicana, CERTIFICA: Que en los archivos a su cargo, existe una acta de divorcioregistrada con el No. 548 Libro 258, Folio 95 del año 1985

de la cual se extrzen los datos siguientes:

Que en fecha siete de noviembre de mil novecientos ochenticinco; el infrascrito Oficial del Estado Civil, pronunció el divorcio entre los esposos EDMUNDO ENMANUEL SIMO BUENO y IRIS ALTAGRACIA THEN ALVARADO, por mutuo consentimiento, y haber transcrito en el libro No. 258 folios 95-96 bajo el No. 548 el dispositivo de la sentencia No. 2935 bis de fecha 31 de octubre de 1985, Cámara Civil, Comercial y de Trabajo de la Ira. Circ. del Distrito Judicial de Santiago, que admite el divorcio entre los mencionados esposos, por la causa ya indicada.-

ANOTACIONES:

Este extracto, se expide a petición de parte interesada en SantiagoRepública Dominicana, hoy día 11 del mes de noviembredel año mil novecientos ochenticinco

2613888

3662890

1-11-85

Oficial del Estado Civil:

2613888
12-11-853662890
11-12-85

Form OC-No.18

TRANSLATED DIVORCE DECREE

DOMINICAN REPUBLIC
CIVIL REGISTRY

EXCERPT OF CERTIFICATE

(Article 99 Public Law 659, of July 07, 1944)

No. 10420

I, RAFAEL ANTONIO CHECO Civil Registry Officer
of the First Circuit, Santiago, Dominican Republic

Dominican Republic, CERTIFY: That in the files under my care, there exists A Decree of Divorce Registered under number 548, book 258 Page 95 of the year 1985 which reads in pertinent part:

That on the Seventh day of November of the year 1985; the undersigned civil registry officer, pronounced the divorce between the spouses **EDMUNDO EMMANUEL SIMON BUENO AND IRIS ALTAGRACIA THEN ALVARADO**, by mutual consent and transcribed in Book 258 Pages 95, 96 under number 548 the disposition of sentence numbered 2935(a) dated October 31st, 1985, of the Civil, Commercial and Labor Court of the 1st Circuit of the Santiago Judicial District which acknowledges the divorce between the mentioned spouses for the motive already indicated.

NOTES:

This excerpt is issued upon petition of the interested party in Santiago, Dominican Republic, this 11th day of the month of the Year One Thousand Nine Hundred Eighty Five

CIVIL REGISTRY OFFICER

EXHIBIT 5

CERTIFICATE OF
MARRIAGE IN 1986,
RESPONDENT
FATHER AND STEPMOTHER
ANA M. COSTOSO-VILLARA

ESTADO LIBRE ASOCIADO DE PUERTO RICO

COMMONWEALTH OF PUERTO RICO

DEPARTAMENTO DE SALUD AFSS

DEPARTMENT OF HEALTH - HFSA

Area de Registro Demográfico

Area of Demographic Registry

CERTIFICADO DE ACTA DE MATRIMONIO

Certificate of Marriage Registration

Certifico que en la Sección de Matrimonios del Registro a mi cargo aparece la siguiente inscripción:

I certify that in the Section of Marriages of the Registry under my custody the following marriage is registered:

Libro Núm. Volume No. 229	Folio Núm. Folio No. 0272	Acta Núm. Certificate No. 75	Municipio donde se celebró el matrimonio: Municipality where marriage was performed	Rio Piedras
Fecha de Inscripción: Date of Registration 13 Enero 1986 día (day) mes (month) año (year)			Fecha de Celebración: Date of Celebration 11 Enero 1986 día (day) mes (month) año (year)	
Nombre del Contrayente: Name of Groom Edmundo E. Simó Bueno			Edad: Age 38	
Estado Civil: Civil Status	<input type="checkbox"/> Soltero <input type="checkbox"/> Single	<input type="checkbox"/> Viudo <input type="checkbox"/> Widower	<input checked="" type="checkbox"/> Divorciado <input type="checkbox"/> Divorce	Natural de Birthplace
			La Vega, Rep. Dominicana Estado o País (State or Country)	
Nombre de la Contrayente: Name of Bride Ana M. Costoso Villarón			Edad: Age 43	
Estado Civil: Civil Status	<input type="checkbox"/> Soltera <input type="checkbox"/> Single	<input type="checkbox"/> Viuda <input type="checkbox"/> Widow	<input checked="" type="checkbox"/> Divorciada <input type="checkbox"/> Divorce	Natural de Birthplace
			San Juan, Puerto Rico Estado o País (State or Country)	
Nombre del Celebrante: Name of Officiating Party Raymond J. Russo Correa			En su carácter de: Acting as Juez Dto.	

DATOS SOBRE EL SOLICITANTE

Information on Applicant

Solicitante:
Applicant

Edmundo E. Simó Bueno

Si veterano, licenciamiento honorable Núm.
If veteran, honorable discharge Number

Dirección:

Address Santurce, P.R.

Si para uso oficial de una Agencia del Gobierno Estatal o Federal:

If for official use of an agency of the Commonwealth of Puerto Rico or Federal Government

Nombre de la Agencia:

Name of Agency

Dirección:

Address

ADVERTENCIA

Este certificado no será válido si en el mismo no se ha estampado el sello oficial del Registro Demográfico correspondiente. También se requiere la cancelación de un sello de rentas internas de \$2 según exige la ley, excepto en aquellos casos en que el certificado se expida para uso exclusivo de un veterano o de una agencia de gobierno del Estado Libre Asociado de Puerto Rico o de los Estados Unidos de América. LA MERA POSESION DE ESTE DOCUMENTO NO DEBE CONSTITUIR BASE PARA IDENTIFICAR AL PORTADOR COMO UNO DE LOS CONTRAYENTES EN ESTE MATRIMONIO.

WARNING

This certificate is void if the official seal of the corresponding Demographic Registry Office has not been stamped hereon. Also, a \$2 internal revenue stamp is required by law to be cancelled hereon, unless this certificate is issued for the exclusive use of a veteran or for the official use of any Agency of the Commonwealth of Puerto Rico or of the Federal Government of the United States. THE MERE POSSESSION OF THIS DOCUMENT SHOULD NOT CONSTITUTE ENOUGH EVIDENCE TO IDENTIFY THE BEARER AS ONE OF THE PARTIES IN THIS MARRIAGE.

ESTE CERTIFICADO NO SERA VALIDO SI EN EL MISMO APARECEN TACHADURAS, BORRADURAS O ALTERACIONES.

This certificate is void if there are any alterations or erasures on same.

Fecha de Expedición

Date of Issue

1-23-86

Municipio de

Municipality of Rio Piedras,

Puerto Rico

Puerto Rico

Encargado del Registro

Felicita Garay de Mirabal

Nombre en maquinilla o letra de molde
Typed Name

Firma

Signature

"
EXHIBIT 6"

DEATH CERTIFICATE
OF

RESPONDENT STEPMOT

ANA M. COSTOSO-VILLA

SIMO-BUENO

ESTADO LIBRE ASOCIADO DE PUERTO RICO
DEPARTAMENTO DE SALUD
DIVISION DE REGISTRO DEMOGRAFICO
CERTIFICADO DE DEFUNCION

NUMERO DE AREA 152 ANO 1988 NUMERO DE REGISTRO 0064 NUMERO DE CERTIFICADO 307

1. Lugar de Defuncion (Place of death)
a. Municipio Carolina b. Barrio c. Poblado

2. Si se trata de un Hospital o Otro Sitio (Hospital or Other Institution) Especificar donde (Nombre del Hospital, Institucion, Etc.) Si no fue en Hospital, de direccion exacta. Indique a que se le dio el certificado (Indicate where the certificate was given)
Hosp. de Area

3. Nombre y Apellido del Fallecido (Deceased Name)
ANA MARIA COSTOSO VILLARAN

4. Sexo hembra 5. Estado Civil (Marital Status) Casado 6. a. Estado Civil (Marital Status) Casado b. Clase de Defuncion (Type of Death) Natural

7. Fecha de Nacimiento (Date of Birth) 06/24/40 8. Fecha de Defuncion (Date of Death) 05/03/88 9. Hora de Defuncion (Time of Death) 06:40 AM

10. a. Ocupacion Habitual (Usual Occupation) b. Clase de Defuncion (Type of Death) Natural c. Clase de Defuncion (Type of Death) Natural

11. Nombre y Apellido del Padre (Father's Name)
SILVANO COSTOSO

12. Ciudadano de: San Juan

13. Tiempo de Residencia en Puerto Rico (Time of Residence in Puerto Rico) 46 años

14. Informacion (Information)
a. Nombre: Angelo Costoso Villaran b. Fecha de Nacimiento: 06/24/40 c. Fecha de Defuncion: 05/03/88

15. Nombre y Apellido de la Madre (Mother's Name)
Ana Victoria Villaran

16. Informacion (Information)
a. Nombre: Angelo Costoso Villaran b. Fecha de Nacimiento: 06/24/40 c. Fecha de Defuncion: 05/03/88

17. Informacion (Information)
a. Nombre: Angelo Costoso Villaran b. Fecha de Nacimiento: 06/24/40 c. Fecha de Defuncion: 05/03/88

18. Informacion (Information)
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100. Informacion (Information)
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ESTE DOCUMENTO CONSTITUYE UN REGISTRO PERMANENTE. LLENSE EN MAQUINILLA O EN TINTA PERMANENTE.

NOTA AL REGISTRADOR: La Division de Registro Demografico de la Division de Estadística y Censos de Puerto Rico, en cumplimiento de las disposiciones de la Ley de Registro Demografico, certifica que el presente documento es una copia fiel y exacta de un certificado original archivado bajo custodia en el Registro Demografico de la Division de Estadística y Censos de Puerto Rico y que las correcciones que puedan aparecer en dicho certificado original son fotostaticamente reproducidas de acuerdo con las leyes que para tales fines rigen en Puerto Rico.

NOTA TO CERTIFY: that this is a true copy of an original certificate on file in our custody in the Demographic Registry of the Department of Health of Puerto Rico and that the corrections that may appear in the original certificate are photostatically reproduced in accordance with our statute provisions in such cases.

DEC 06 1991

José R. Solar, M.D.
Secretario de Salud
Secretary of Health

Ruth Reyes Rector
Directora, Registro Demografico
Director, of Demographic Registry

"
EXHIBIT 7"
BIRTH CERTIFICATE
OF
RESPONDENT



REPUBLICA DOMINICANA

Oficina del Estado Civil de Nagua, R.D.
 No. 316 del año 1979
 No. 120 del Juzgado de Primera Instancia
 del Juzgado Judicial de
 del mes de mayo del año 1979
 Oficial del Estado Civil

OFICIALIA DEL ESTADO CIVIL

EXTRACTO DE ACTA

(Art. 99 Ley No. 659, del 17-7-44)

YO: LIC. SONIA MARINA LAVANDIER DE G.

Oficial del Estado Civil de

NAGUA, R.D.

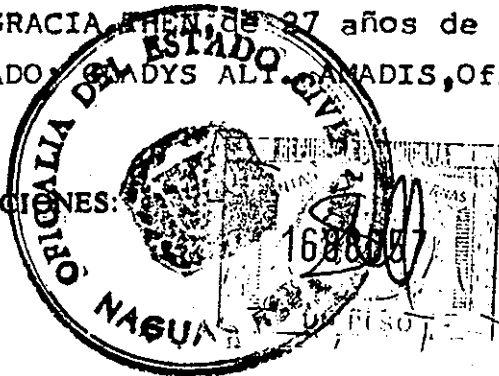
República Dominicana, CERTIFICA: Que en los archivos a su cargo, existe una acta de NACIMIENTO
 registrada con el No. 316 Libro 159 Folio 116 del año 1979

de la cual se extraen los datos siguientes:

Que en fecha 16 del mes de Marzo del año -
 mil novecientos setenta y nueve (1979) Por ante mí GLADYS ALT. AMADIS
 Oficial del Estado Civil de Nagua, compareció el Señor EDMUNDO EMMANUEL
 SIMO Y BUENO, de 32 años de edad, Soltero, Dominicano, Portador de la Cé-
 dula No. 41286 Serie 47, y me ha expresado que el día 2 del mes de Junio-
 del año mil novecientos setenta y cinco (1975) nació en Nagua, una cria-
 tura a quien se le ha dado los nombres de *CARLOS OCTAVIO VLADIMIR* Hijo-
 Legitimado del Señor EDMUNDO EMMANUEL SIMO Y BUENO, y de la Señora IRIS -
 ALTAGRACIA RIVERA, de 27 años de edad.-

FIRMADO: GLADYS ALT. AMADIS, Oficial Civil.-

ANOTACIONES:



El presente extracto, se expide a petición de parte interesada, en NAGUA, R.D.

República Dominicana, hoy día 26 del mes de OCTUBRE

del año mil novecientos

1995.-

Sonia Marina Lavandier de G.
 LIC. SONIA MARINA LAVANDIER DE G.

Oficial del Estado Civil.



JUNTA CENTRAL ELECTORAL

OFICINA CENTRAL DEL ESTADO CIVIL

CERTIFICO que la firma que figura al pie del presente
Documento corresponde al **Oficial del Estado Civil**

del [Signature]
Santo Domingo, D. R.

Fecha 17/7/99 [Signature] **Firma Autorizada**

TRANSLATED BIRTH CERTIFICATE

Form. OC-No. 11

DOMINICAN REPUBLIC

CIVIL REGISTRY

EXCERPT OF BIRTH REGISTRY

(Article 99 Public Law No. 659, of July 17, 1944)

I, LIC. SONIA MARINA LAVANDIER DE G. Civil Registry Officer
of NAGUA, DOMINICAN REPUBLIC

Dominican Republic, CERTIFY: That in the files under my care,
there exist a **certificate of birth** registered under number 316
book 159 page 116 of the year 1979 which reads in pertinent
part:

That on the 16th day of the Month of the Month of March
of the year One Thousand Nine Hundred Seventy Nine (1979)
Before me **GLADYS ALT. (ALTAGRACIA) AMADIS**, civil registry
officer of Nagua, appeared Mister **EDMUNDO EMMANUEL SIMO
BUENO**, age 32, single, resident of Santiago, Dominican
Republic, bearer of the identification document number
41286 Serial 47, who stated that on the second day of
June of the year One Thousand Nine Hundred Seventy Five
(1975) was born, in Nagua, a male child to whom was given
the names * **CARLOS OCTAVIO VLADIMIR** * being the legitimate
child of **MR. EDMUNDO EMMANUEL SIMO BUENO** and **MRS. IRIS
ALTAGRACIA THEN**, age 27 of Dominican Nationality.

SIGNED: **GLADYS ALT. AMADIS**, CIVIL REGISTRY OFFICER.

NOTES:

The present excerpt is issued upon petition of the interested
party in Nagua, Dominican Republic, this 26th day October of the
year One Thousand Nine Hundred Ninety Five. (1995)

LIC. SONIA MARINA LAVANDIER DE G.
CIVIL REGISTRY OFFICER